**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITON NO.2850 OF 2006**

**DATED: 17-02-2006**

**BETWEEN:**

Y.V.S.Reddy, S/o. Venkat Reddy … Petitioner

And

The Government of Andhra Pradesh,

Rep.by its Secretary, Panchayat Raj Department,

Secretariat Buildings, Hyderabad and two others ...Respondents

**THE HONOURABLE SRI JUSTICE V. ESWARAIAH**

**WRIT PETITON NO.2850 OF 2006**

**ORDER:**

Petitioner filed this writ petition seeking to declare the action of the respondents in not considering his representation dated 30-12-2005 which was filed for setting aside of rejection order in Rc.No.3935/2002, pts, dated07-11-2005 by granting second year lease period for quarrying of sand in Kannevedu Reach of Vatsavai Mandal, Krishna District as arbitrary and illegal.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader for the respondents and perused the material available on record.

The learned counsel appearing for the petitioner stated that the petitioner was the auctioned purchaser in respect of the lease of Kanneveedu sand quarrying pursuant to the notification issued by the second respondent dated 13-09-2000 in

proceedings No.3407/2000 and pursuant to the auction held on 29-09-2000 in respect of Kanneveedu reach of Vatsavai Mandal, Krishna District on the annual lease amount of Rs.12,25,000/-, and for the next year on increase of 10% of the existing rent. It is stated that the first year lease was expired on 08-03-2003, but pursuant to the general orders passed by this court in W.P.No.18359/2002 the quarrying lease for the second year was stopped even though petitioner has deposited Rs.13,74,000/- on 23-01-2003. It is stated that thereafter, the lease hold rights of the said quarry was not auctioned and the petitioner made a representation dated 29-10-2005 for extention of the second year lease, but the same was rejected by the 3rd respondent vide proceedings in R.C.No.3935/2002, pts, dated 07-11-2005 and the DD amount paid by the petitioner was also refunded. As against the said rejection order, petitioner filed an appeal petition before the first respondent, Government of Andhra Pradesh on 30-12-2005, but the same has not been considered and disposed of. Hence the petitioner filed the present writ petition seeking to issue a direction to the first respondent directing him to consider and dispose of the said representation.

Learned Government Pleader appearing for the respondents submits that there is not at all any statutory provision entitling the petitioner to consider the appeal petition filed by him before the Government.

On the other hand, learned counsel for the petitioner submitted that in fact Government considered several similar representations filed by different persons for extention of leases and one of such order of the Government was placed before this court in memo No.11893/PTS III/A3/2005-2, Panchayat Raj & Rural Development (PTS.III) Department, dated 15-10-2005. It is further stated under Rule 35( c ) of A.P. Mines and Minerals Construction Rules, 1966, an appeal/revision lies against various orders passed by the Mines and Geology Department.

I am not inclined to consider all these contentions in view of the fact that certain representations have been considered and disposed of by the Government and it is for the first respondent to consider and deal with all the contentions and if any such appeal petition is maintainable, it is for the first respondent to consider and dispose of the representation of the petitioner in accordance with law on its own merits within eight weeks from the date of receipt of a copy of this order.

Writ petition is accordingly disposed of. No order as to costs.

**V. ESWARAIAH, J.**

**Dated: 17-02-2006**

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